

* On January 23, 2019 petitioner filed a notice of appeal. Because petitioner is appealing an unappealable order, the filing of the notice does not deprive this court of subject matter jurisdiction to enter this order and the corresponding judgment.

whether [this court] was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S.473, 484 (2000).

If petitioner files a notice of appeal,

() petitioner may proceed *in forma pauperis* on appeal.

(X) petitioner must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis*.

SO ORDERED.

January 30, 2019.


SIDNEY A. FITZWATER
SENIOR JUDGE